EXHIBIT A

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 8 AT TACOMA 9 BELINDA JOHNSON, a single woman, NO. 10 Plaintiff, (PIERCE COUNTY SUPERIOR COURT 21-2-07063-1) 11 v. DECLARATION OF EDDY SILVERMAN 12 TUESDAY MORNING, INC. a foreign IN SUPPORT OF NOTICE OF REMOVAL corporation, dba TUESDAY MORNING BY DEFENDANT TUESDAY MORNING, 13 TACOMA STORE, and J. Does 1-10, INC. 14 Defendants. (CLERK'S ACTION REQUIRED) 15 16 I, Eddy Silverman, Esq., hereby declare and say: 17 1. That I am an attorney of the law firm of WILLIAMS, KASTNER & GIBBS 18 PLLC, and I am licensed to practice law in this Court. 19 2. I am over the age of eighteen and a U.S. citizen. I have personal knowledge of 20 the facts referred to in this Declaration and could competently testify to these facts if called 21 upon to do so in a court of law. 22 3. Along with Rodney L. Umberger, I represent TUESDAY MORNING, INC. 23 ("Tuesday Morning") in the above captioned lawsuit, and I am making this Declaration in 24 support of Tuesday Morning's Notice of Removal to this Court. 25 Williams, Kastner & Gibbs PLLC DECLARATION OF EDDY M. SILVERMAN IN SUPPORT OF 601 Union Street, Suite 4100 TUESDAY MORNING, INC.'S NOTICE OF REMOVAL - 1 Seattle, Washington 98101-2380 (206) 628-6600

7460185.1

1	4.	This declaration is identifiable as Exhibit A to Tuesday Morning's Notice of		
2	Removal.			
3	5.	Attached hereto as Exhibit B are true and complete copies of the Summons and		
4	Complaint filed in state court in this matter.			
5	6.	Attached hereto as Exhibit C are true and complete copies of all pleadings,		
6	records, and documents filed in the state court action.			
7	I declare under penalty of perjury under the laws of the United States and of the State of			
8	Washington that the foregoing is true and correct.			
9	Dated this 17 th day of September, 2021, in Seattle, Washington.			
10		WILLIAMS, KASTNER & GIBBS PLLC		
11		Ry c/Eddy Silvorman		
12	By <u>s/Eddy Silverman</u> Eddy Silverman, WSBA No. 53494			
13	Counsel for Defendant Tuesday Morning. Inc			
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		ON OF EDDY M. SILVERMAN IN SUPPORT OF ORNING, INC.'S NOTICE OF REMOVAL - 2 Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600		

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EXHIBIT B

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF PIERCE

BELINDA JOHNSON, a single woman,

Plaintiff. NO.

v.

SUMMONS

TUESDAY MORNING, INC, a foreign corporation, dba TUESDAY MORNING TACOMA STORE, and J. Does 1-10;

Defendants.

TO THE DEFENDANTS:

A lawsuit has been started against you in the above-entitled court by the above-named Plaintiff. The Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against the lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the undersigned attorneys for the Plaintiff within 20 days after the service of the Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff is entitled to what is asked for because you have not responded. If you serve a notice of appearance on the undersigned attorneys, you are entitled to notice before a default judgment may be entered.

SUMMONS

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PAGE 1 of 2

You may demand that the Plaintiff file the lawsuit with the Court. If you do so, the demand 1 2 must be in writing and must be served upon the undersigned attorneys. Within 14 days after you serve the demand, the Plaintiff must file this lawsuit with the Court, or the service on you of this 3 Summons and Complaint will be void. 4 If you wish to seek the advice of an attorney in this matter, you should do so promptly so 5 that your written response, if any, may be served on time. 6 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State 7 of Washington. 8 Dated this 9th day of Avgust 9 Wattel & York, LLC 10 11 12 Zach J. Hansen, WSBA # 41827 Attorney for the Plaintiff 13 14 15 16 17 18 19 20 21 22 23 24 **SUMMONS** Wattel & York, LLC

PAGE 2 of 2

1 2 3 4 5 6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF PIERCE 7 BELINDA JOHNSON, a single woman, 8 Plaintiff, NO. ν. 9 **COMPLAINT** TUESDAY MORNING, INC, a foreign corporation, 10 dba TUESDAY MORNING TACOMA STORE, and J. Does 1-10; 11 Defendants. 12 13 The Plaintiff, Belinda Johnson, for her cause of action against the Defendants, and each of 14 them, alleges as follows: 15 I. PARTIES, JURISDICTION & VENUE 16 1. The Plaintiff, Belinda Johnson, is now, and was at all times material hereto, a single 17 woman, and resident of Pierce County, Washington. 18 2. Upon information and belief, the Defendant Tuesday Morning, Inc., dba Tuesday 19 Morning Tacoma Store, is now and was at all times material hereto, a foreign corporation which 20 operates retail stores and transacts business in Pierce County, Washington. 21 22 23 24 COMPLAINT Wattel & York, LLC 6314 19th St W Ste 15 Fircrest, WA 98466-6223 PAGE 1 of 4

Tel: (253) 471-1075 Fax: (253) 471-1077

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COMPLAINT

3. Upon information and belief, Defendants J. Does 1-10, are natural persons whose true identities are currently unknown to Plaintiff. These individuals may share some responsibility for Plaintiff's injuries, and their identities are unknown to Plaintiff.

4. All acts and omissions alleged herein occurred in Tacoma, Pierce County, Washington. Venue is proper in Pierce County.

II. CLAIM FOR NEGLIGENCE AGAINST DEFENDANTS

- 5. On or about July 14, 2020, plaintiff, Belinda Johnson, was a guest and business invitee of Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, located at 3701 S Cedar St, Tacoma, WA 98409. While at the facility, Plaintiff was injured when a heavy metal bar fell from above her, striking her on the head and causing severe injuries.
- 6. Defendant Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or employees J. Doe 1-10 owed Plaintiff a duty of care. This included a duty to use reasonable care to maintain the shopping areas and walkways in a safe manner to prevent the creation of a dangerous situation, a duty to use reasonable care to repair any dangerous condition, a duty to warn of dangerous conditions, a duty to inspect for dangerous conditions, and a duty to protect Plaintiff against known dangers.
- 7. Defendant Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or employees J. Doe 1-10 breached their duties of care by creating a dangerous condition and by failing to warn Plaintiff of the dangerous condition.
- 8. Defendants Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or employees J. Doe 1-10 acted within the scope of their agency or employment with Tuesday Morning, Inc. Defendant Tuesday Morning, Inc. is vicariously liable for the acts or omissions of Defendants John Does 1-5.

- 9. Defendant Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or employees, and J. Doe 1-10 negligently failed to provide a safe environment for its guests and business invitees.
- 10. Defendants Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or employees, and J. Doe 1-10 negligently failed to supervise the area to prevent injury to their patrons.
- 11. As a proximate result of the negligence of Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or employees, and J. Doe 1-10, Plaintiff, Belinda Johnson suffered a serious injury.
- 12. Defendant Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or employees J. Doe 1-10 breached their duties of care by creating a dangerous condition and by failing to warn Plaintiff of the dangerous condition.
- 13. Defendants Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or employees J. Doe 1-10 acted within the scope of their agency or employment with Tuesday Morning, Inc. Defendant Tuesday Morning, Inc. is vicariously liable for the acts or omissions of Defendants John Does 1-5.

III. DAMAGES

Johnson has suffered substantial, serious injury. Although Plaintiff Belinda Johnson resorted to medical attention and supportive remedies, her injuries, pain, and discomfort now prevail and will continue to prevail for an indefinite time into the future. It is impossible at this time to characterize the full nature, extent, severity and duration of said injuries, but they are alleged to be permanent, progressive and disabling in nature. Plaintiff Belinda Johnson has incurred and will likely continue

to incur medical expenses and other expenses to be proved at the time of trial, all to her general 1 2 damage, in an amount now unknown. WHEREFORE, the Plaintiff Belinda Johnson prays for judgment against the Defendants 3 Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or 4 employees J. Doe 1-10, and each of them, jointly and severally, in an amount that will fairly 5 compensate him for all damages sustained, costs and reasonable attorneys' fees, pre-judgment and 6 post-judgment interest calculated at the maximum amount allowable by law, and all other relief 7 the Court deems fair and just. 8 Dated this 9th day of August, 2021. 9 Wattel & York, LLC 10 11 12 Attorneys for the Plaintiffs 13 14 15 16 17 18 19 20 21 22 23

COMPLAINT

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PAGE 4 of 4

EXHIBIT C

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF PIERCE

BELINDA JOHNSON, a single woman,

Plaintiff. NO.

v.

SUMMONS

TUESDAY MORNING, INC, a foreign corporation, dba TUESDAY MORNING TACOMA STORE, and J. Does 1-10;

Defendants.

TO THE DEFENDANTS:

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In order to defend against the lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the undersigned attorneys for the Plaintiff within 20 days after the service of the Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff is entitled to what is asked for because you have not responded. If you serve a notice of appearance on the undersigned attorneys, you are entitled to notice before a default judgment may be entered.

24 SUMMONS

PAGE 1 of 2

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PAGE 2 of 2

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7	IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF PIERCE				
8	BELINDA JOHNSON, a single woman,				
9	Plaintiff, NO.				
10	TUESDAY MORNING, INC, a foreign corporation,				
11	dba TUESDAY MORNING TACOMA STORE, and J. Does 1-10;				
12	Defendants.				
13					
14	The Plaintiff, Belinda Johnson, for her cause of action against the Defendants, and each of				
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20	Morning Tacoma Store, is now and was at all times material hereto, a foreign corporation which				
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27	COMPLAINT Wattel & York, LLC 6314 19th St W Ste 15 PAGE 1 of 4 Fircrest, WA 98466-6223 Tel: (253) 471-1075				
	161. (253) 4/1-10/5				

Fax: (253) 471-1077

- 3. Upon information and belief, Defendants J. Does 1-10, are natural persons whose true identities are currently unknown to Plaintiff. These individuals may share some responsibility for Plaintiff's injuries, and their identities are unknown to Plaintiff.
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COMPLAINT PAGE 4 of 4

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1 The Honorable Garold E. Johnson 2 3 4 5 6 7 SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY 8 BELINDA JOHNSON, a single woman, NO. 21-2-07063-1 9 Plaintiff, NOTICE OF APPEARANCE FOR 10 DEFENDANT TUESDAY MORNING, v. INC. 11 TUESDAY MORNING, INC. a foreign 12 corporation, dba TUESDAY MORNING TACOMA STORE, and J. Does 1-10. 13 Defendants. 14 15 TO: CLERK OF THE COURT; and 16 TO: COUNSEL FOR PLAINTIFF 17 PLEASE TAKE NOTICE that Defendant TUESDAY MORNING, INC. without 18 waiving objections as to improper service, venue or jurisdiction, hereby appear in the above 19 entitled cause by and through its attorneys, Williams, Kastner & Gibbs PLLC, and requests that 20 all further papers and pleadings herein, exclusive of original process, be served upon the 21 undersigned attorneys at the address stated below. 22 /// 23 \\\ 24 \\\ 25 /// NOTICE OF APPEARANCE FOR DEFENDANT TUESDAY Williams, Kastner & Gibbs PLLC MORNING, INC. 1 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600 7451533.1

Case 3:21-cv-05685 Document 1-2 Filed 09/17/21 Page 19 of 20

1	DATED this 31 st day of August, 2021.	
2		WILLIAMS, KASTNER & GIBBS PLLC
3		
4		/s/Eddy M. Silverman Rodney L. Umberger, WSBA No. 24948
5		Eddy M. Silverman, WSBA No. 53494
6		
7		Two Union Square 601 Union Street, Suite 4100
8		Seattle, WA 98101-2380 Phone: 206.628.6600
9		Fax: 206.628.6611
10		Email: rumberger@williamskastner.com esilverman@williamskastner.com
11		Counsel for Defendant Tuesday Morning, Inc.
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NOTICE OF APPEARANCE FOR DEFENDANT TUESDAY MORNING, INC. 2

Williams, Kastner & Gibbs PLLC 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 (206) 628-6600

1 **CERTIFICATE OF SERVICE** 2 The undersigned certifies under penalty of perjury under the laws of the State of 3 Washington that on the date indicated below, I caused service of a true and correct copy of the 4 foregoing document in the manner indicated below to: 5 ☑ U.S. Mail 6 Zach J. Hansen, WSBA 41827 **☑** E-mail Wattel & York, LLC 6314 19th ST W Ste. 15 7 Firerest, WA 98466 8 Tel: (253) 471-1075 Email: z.hansen@wattelandyork.com 9 Counsel for Plaintiff 10 11 Signed at Lynnwood, Washington this 31st day of August, 2021. WILLIAMS, KASTNER & GIBBS PLLC 12 13 s/Catherine Berry Catherine Berry, Legal Assistant 14 cberry@williamskastner.com 15 16 17 18 19 20 21 22 23 24 25 NOTICE OF APPEARANCE FOR DEFENDANT TUESDAY Williams, Kastner & Gibbs PLLC MORNING, INC. 3 601 Union Street, Suite 4100 Seattle, Washington 98101-2380

(206) 628-6600

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